

UNAPPROVED MINUTES
PLANNING COMMISSION

January 12, 2011

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on January 12, 2011, there being present all the members of said Commission, to wit: Terrance D. Murphy, Jimmy W. Robertson, Vicki G. Daulton, Bruce N. Thomasson, and Samuel R. Carter III; with Terrance D. Murphy, Vice Chairman, presiding; together with Kevin S. Boggess, City Manager and Assistant Executive Secretary; Melinda J. Payne, Director of Planning and Development; Charles VanAllman, City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; Mary Ellen Wines, Executive Secretary to the City Manager; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, due to the absence of the Executive Secretary, Judy L. Hough, is hereby appointed Executive Secretary Pro Tem for this meeting of the City of Salem Planning Commission – the roll call vote: all present – aye.

In re: Reorganization of the Planning Commission

The Executive Secretary Pro Tem reported that this date and time had been set to hold a reorganization of Planning Commission due to the appointment of a new member of the Commission; and

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, Terrance D. Murphy is hereby appointed as Chairman of the City of Salem Planning Commission – the roll call vote: all aye.

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, AND SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, Vicki G. Daulton is hereby appointed as Vice Chair of the City of Salem Planning Commission – the roll call vote: all aye.

WHEREAS, Chairman Murphy assumed the duties of presiding officer at this meeting of the City of Salem Planning Commission.

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, the minutes of the regular meeting and work session held on September 15, 2010, were approved as written – the roll call vote: all aye.

In re: Consider amending Chapter 106, Article II District Regulations, Section 106-220.2 (B)(5) of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Commercial Use Types in HM Heavy Manufacturing District zoning

The Executive Secretary Pro Tem reported that this date and time had been set to hold a public hearing to consider amending Chapter 106, Article II District Regulations, Section 106-220.2 (B)(5) of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Commercial Use Types in HM Heavy Manufacturing District zoning; and

WHEREAS, the Executive Secretary Pro Tem further reported that notice of such hearing had been published in the December 29 and January 5, 2010, issues of The Roanoke Times; and

WHEREAS, staff noted the following: this request is to amend Section 106-220.2(B)(5) pertaining to commercial use types in the HM Heavy Manufacturing District zoning; staff recently received a request to operate a recreational vehicle sales and service business in conjunction with an existing business; the proposed ordinance change in the HM Heavy Manufacturing District zoning will allow this use with the approval of a Special Exception Permit; the following change is proposed:

Article II District Regulations

Sec. 106-220.2. Permitted uses.

(B) The following uses are permitted by special exception in the HM Heavy Manufacturing District, subject to all other applicable requirements contained in this chapter. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

5. *Commercial Use Types*

~~(None)~~ **Recreational Vehicle Sales and Service***; and

WHEREAS, Kevin Boggess appeared before the Commission explaining the proposed ordinance amendment; he noted that staff recently received a request to operate a recreational vehicle sales and service business in conjunction with an existing business; the proposed change in the zoning ordinance would add to Commercial Use types in Heavy Manufacturing “Recreational Vehicle Sales and Service” as a use allowed by Special Exception Permit; he further noted that if the Planning Commission voted to recommend the proposed change and forward it to City Council and City Council then approves the change, the petitioner would have to apply for a Special Exception Permit; therefore, the petitioner would have to go through the public hearing process before the Commission and City Council for the Special Exception in order to be able to sell recreational vehicles; the service portion of the business would remain a use by right in the HM Heavy Manufacturing zoning district, but the sales portion would only be allowed with the approval of a Special Exception permit; and

WHEREAS, Commission Member Thomasson noted that it did not sound like the petitioner would have a very large inventory of RVs for sale; Mr. Boggess noted that (a) he did not think the petitioner was planning to have a large inventory of RVs for sale and (b) he did not think there was enough space for a large inventory; and

WHEREAS, Commission Member Carter asked if the petitioner purchased additional property at this location would it require another Special Exception request to be able to sell more vehicles; Mr. Boggess noted that the Special Exception permit would only apply to the existing property so if additional land was purchased, it would require them to go through the Special Exception permit process again; and

WHEREAS, Vice Chair Daulton asked if there would be a limit to what could or could not be sold; Mr. Boggess noted that this is one thing that going through the Special Exception permit process will help us identify; the petitioner will identify what he wants to do, and we may ask him to proffer a maximum that could be available for sale on the property at one time; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that Chapter 106, Article II District Regulations, Section 106-220.2 (B)(5) of THE CODE OF THE

CITY OF SALEM, VIRGINIA pertaining to Commercial Use Types in HM Heavy Manufacturing District zoning be amended as follows:

Sec. 106-220.2. Permitted uses.

(B) The following uses are permitted by special exception in the HM Heavy Manufacturing District, subject to all other applicable requirements contained in this chapter. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

5. *Commercial Use Types*

~~(None)~~ **Recreational Vehicle Sales and Service***

-- the roll call vote: all aye.

In re: Consider amending Chapter 106, Article II District Regulations, Section 106-208.2 (A)(2, 4, & 5), 208.2 (B)(2, 4, & 5), and 208.3 (B)(1) of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Permitted uses and Site development regulations in RB Residential Business District zoning; also, consider adding Section 106-208.3 (E) Other Requirements

The Executive Secretary Pro Tem reported that this date and time had been set to hold a public hearing to consider amending Chapter 106, Article II District Regulations, Section 106-208.2 (A)(2, 4, & 5), 208.2 (B)(2, 4, & 5), and 208.3 (B)(1) of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Permitted uses and Site development regulations in RB Residential Business District zoning; also, consider adding Section 106-208.3 (E) Other Requirements; and

WHEREAS, the Executive Secretary Pro Tem further reported that notice of such hearing had been published in the December 29 and January 5, 2010, issues of The Roanoke Times; and

WHEREAS, staff noted the following: after a recent R-B rezoning request involving several properties, City Council requested staff to explore options aimed at preserving the character of neighborhoods where R-B Residential Business zoning might be utilized; the following changes are proposed:

Article II District Regulations

Sec. 106-208.2. Permitted uses.(A) *2. Residential Use Types*

Accessory Apartment*

~~Family Day Care Home*~~

Home Occupation*

Manufactured Home, Emergency*

~~Multi-Family Dwelling*~~

Residential Human Care Facility

Single Family Dwelling, Detached

Townhouse*

4. Office Use Types~~Financial Institutions~~

General Offices

5. Commercial Use Types~~Antique Shops~~~~Day Care Center*~~

Homestay Inn*

~~Personal Services~~

Studio, Fine Arts

- (B) The following uses are permitted by special exception in the RB Residential District, subject to all other applicable requirements contained in this chapter. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

*2. Residential Use Types***Family Day Care Home*****Multi-Family Dwelling***

Single Family Dwelling, Attached

Two Family Dwelling

*4. Office Use Types***Financial Institutions**

Medical Offices/Clinics

*5. Commercial Use Types***Antique Shops**

Day Care Center***Personal Services**

Retail Sales

Sec. 106-208.3. Site development regulations.**(B) Minimum Setback Requirements.****1. Principal Structure:**

Front Yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

No front yard shall be used for any parking area or otherwise designed or devoted to any vehicle use unless a Special Exception permit has been approved specifically allowing such parking. Notwithstanding the foregoing, nothing herein shall prohibit a driveway in the front yard that leads to a parking area in the side yard or rear yard.

(E) Other Requirements

Drive through facilities in which a person, who remains in a motor vehicle, conducts business or exchanges through a window or exterior opening in a structure are prohibited; and

WHEREAS, Kevin Boggess appeared before the Commission explaining the proposed ordinance amendments; he noted that the City has gone through two recent Residential Business rezoning requests – one on Union Street and one on Boulevard; while going through the rezoning process and the public hearings as well as meeting with residents regarding the impact that Residential Business would have in these neighborhoods and other neighborhoods throughout the City, staff took a look at the residential business zoning classification with the idea of creating some additional controls over the types of uses that might go into a property zoned Residential Business; specifically there were concerns raised by neighbors and staff for example in uses by right or by special exception permit such as financial institutions, personal service businesses, and some limited retail types of uses; and while we think these uses might be appropriate in some areas zoned Residential Business in the City, there are other areas where some of those uses might not be appropriate; staff evaluated several different options

such as creating two different types of Residential Business zoning

classifications, for example a "I" and a "II"; the RB "I" designation might be more neighborhood like and the RB "II" might be more Main Street like; also considered were neighborhood overlay plans and several other options; even though the City is currently examining an update to the Comprehensive Plan, the timeline to address some of the concerns probably needed to be shortened somewhat; and the easiest way to address this without having to go through rezonings was to look at RB and at least make some changes that staff hopes will give some additional control and some additional reassurances to the neighbors that offer protection from some of the more intensive Residential Business district uses; he noted that what is presented to the Commission this evening are some changes to the Residential Business zoning uses as well as two items related to site development regulations, and he explained the proposed changes; and

WHEREAS, Vice Chair Daulton asked if the section related to no parking in the front yard could also be used to help the City with college students constantly parking in the front yard of residences or are we referring to a paved area that could not be located in the front yard; Mr. Boggess noted that he thought that the proposed code change would only apply to new site developments in the RB Residential and not to college students who pull up in the front yard to park; he asked the Assistant City Attorney if students parking in the front yard of a residence could be considered a location devoted to parking; Mr. Maxwell noted that he did not think this amendment would apply in that situation; and

WHEREAS, Frank Munley of 425 Boulevard appeared before the Commission; he noted the upzoning of five properties on the Boulevard this past September was quite a shock to he and other residents in the neighborhood who value the residential character of the Boulevard, a very beautiful street; the proposed revisions to RB requiring a Special Exception permit for a number of uses are very much welcomed because they offer them some relief; however, he is still concerned with the inclusion of retail sales even though it is in the uses allowed by Special Exception permit; he understands from city officials that the problem is that there are a number of RB businesses on West Main Street and if retail sales were removed entirely, then these businesses would be a grandfathered use instead of a permitted use; but, he is concerned about retail sales being allowed in their neighborhood; he stated that further relief could be

provided by actually replacing the current RB zoning category with two separate

categories; he was a bit disappointed to hear Mr. Boggess state that the proposed changes were the ultimate disposition of the issue, if he understood him correctly; he further noted that some city officials had actually discussed splitting RB into an RB-1 and RB-2 or RP Residential Professional and something else; he further discussed splitting the RB zoning and encouraged the City to give this further consideration when the Comprehensive Plan is being updated; he noted that this is one of the few exceptions in past years that he has been here to support proposed changes, and he noted that they are very thankful for the changes and hope that it goes to completion; and

WHEREAS, Vice Chair Daulton commended staff for their hard work and diligence; as a citizen, she noted she appreciates the fact that staff members have gone to such lengths to compromise a very touchy subject, and she thanked everyone for their efforts; and

WHEREAS, Commission Member Robertson noted that he also had the same thoughts as the Vice Chair; he noted that this is a very positive step toward answering some of the issues we have had related to the situation; and

WHEREAS, Chairman Murphy noted that the Comp Plan review is currently in the process so he recommended that Mr. Munley stay tuned because further notices will be coming, and there will be public hearings and opportunities to express to staff and others the concerns shared this evening;

ON MOTION MADE BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that Chapter 106, Article II District Regulations, Section 106-208.2 (A)(2, 4, & 5), 208.2 (B)(2, 4, & 5), and 208.3 (B)(1) & (E) of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Permitted uses and Site development regulations in RB Residential Business District zoning be amended as follows:

Article II District Regulations

Sec. 106-208.2. Permitted uses.

(A) 2. Residential Use Types

Accessory Apartment*

~~Family Day Care Home*~~

Home Occupation*

Manufactured Home, Emergency*

~~Multi-Family Dwelling*~~

Residential Human Care Facility

Single Family Dwelling, Detached

Townhouse*

4. *Office Use Types*

~~Financial Institutions~~

General Offices

5. *Commercial Use Types*

~~Antique Shops~~

~~Day Care Center*~~

Homestay Inn*

~~Personal Services~~

Studio, Fine Arts

- (B) The following uses are permitted by special exception in the RB Residential District, subject to all other applicable requirements contained in this chapter. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

2. *Residential Use Types*

Family Day Care Home*

Multi-Family Dwelling*

Single Family Dwelling, Attached

Two Family Dwelling

4. *Office Use Types*

Financial Institutions

Medical Offices/Clinics

5. *Commercial Use Types*

Antique Shops

Day Care Center*

Personal Services

Retail Sales

Sec. 106-208.3. Site development regulations.

(B) *Minimum Setback Requirements.*

1. Principal Structure:

Front Yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

No front yard shall be used for any parking area or otherwise designed or devoted to any vehicle use unless a Special Exception permit has been approved specifically allowing such parking. Notwithstanding the foregoing, nothing herein shall prohibit a driveway in the front yard that leads to a parking area in the side yard or rear yard.

(E) *Other Requirements*

Drive through facilities in which a person, who remains in a motor vehicle, conducts business or exchanges through a window or exterior opening in a structure are prohibited; and

-- the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:25 p.m.

Executive Secretary Pro Tem

Chairman